IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22001 of 2004

Between:

Smt. Medesetti Ramanamma W/o Appalaramu, F.P. Shop Dealer, Revellapale Village, S.Kota Mandal, Vizianagaram District

..... PETITIONER

AND

1 The Joint Collector, Vizianagaram
2 The Revenue Divisional Officer, Vizianagaram
3 The Mandal Revenue Officer, S. Kota, Vizianagaram District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 2nd respondent in issuing the proceedings in L.Dis No. 2498/2004 H dt 13-11-2004 as illegal, arbitrary, and violative of principles of natural justice and also against the provisions of Control order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st respondent

Counsel for the Petitioner:MR.KURITIBHASKARA RAO

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner was suspended by the second respondent through proceedings dated 13.11.2004. Aggrieved thereby, she preferred an appeal before the first respondent together with an application for grant of stay. Her grievance is that no orders have been passed in the said petition so far and in the meanwhile steps are being taken to make alternative arrangements.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner had already availed the remedy of appeal before the first respondent, aggrieved by the order of suspension passed by the second respondent. The A.P. State Public Distribution System Control Order, 2001 empowers the first respondent to grant interim orders pending disposal of the appeal. Unless the orders on the said application are passed at appropriate time, some times, the very purpose of preferring the appeal may be defeated. One basic aspect, which needs to be noticed in the order of suspension, is that it is not preceded by any notice and the second respondent had made several observations as though the allegations against the petitioner are proved and it

does not say that the suspension is pending enquiry. For the foregoing reasons, this Court is of the view that the petitioner deserves to be granted an order of stay pending disposal of the appeal.

Hence, the writ petition is disposed of directing that the order dated 13.11.2004 passed by the second respondent shall stand stayed pending disposal of the appeal by the first respondent. No order as to costs.

30.11.2004

Note:

Issue CC in two days.

(BO)

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To

1 The Joint Collector, Vizianagaram
2 The Revenue Divisional Officer, Vizianagaram
3 The Mandal Revenue Officer, S. Kota, Vizianagaram District

4 Two CCs. to the G.P. for Revenue, High Court of A.P., Hyderabad

(OUT).

5 Two CD copies.